

ESTTA Tracking number: **ESTTA168274**

Filing date: **10/11/2007**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Diamond Baseball Company, Inc.
Granted to Date of previous extension	10/14/2007
Address	11130 Warland Drive Cypress, CA 90630 UNITED STATES
Attorney information	Jessie K. Reider Fulwider Patton LLP 200 Oceangate, Suite 1550 Long Beach, CA 90802 UNITED STATES docketlb@fulpat.com, jreider@fulpat.com Phone:562-432-0453

Applicant Information

Application No	78964779	Publication date	04/17/2007
Opposition Filing Date	10/11/2007	Opposition Period Ends	10/14/2007
Applicant	Extreme Technologies, Inc. 90554 Highway 99 N Eugene, OR 97402 UNITED STATES		

Goods/Services Affected by Opposition

Class 028. First Use: 1997/01/00 First Use In Commerce: 1997/01/00 All goods and services in the class are opposed, namely: ARCHERY BOWS

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1961637	Application Date	11/21/1994
Registration Date	03/12/1996	Foreign Priority Date	NONE
Word Mark	DIAMOND		
Design Mark			

Description of Mark	NONE
Goods/Services	<p>Class 018. First use: First Use: 1981/08/00 First Use In Commerce: 1981/08/00 travel bags of leather and imitations of leather, tote bags</p> <p>Class 025. First use: First Use: 1986/06/00 First Use In Commerce: 1986/06/00 clothing, namely hats and T-shirts</p> <p>Class 028. First use: First Use: 1977/03/00 First Use In Commerce: 1977/03/00 sporting goods, namely baseballs, softballs, baseball gloves and mitts, baseball ball bags, baseball equipment bags, catcher's and umpire's leg guards, chest protectors, face masks, and throat guards</p>

U.S. Registration No.	2902651	Application Date	03/06/2002
Registration Date	11/16/2004	Foreign Priority Date	NONE
Word Mark	DIAMOND		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 1986/06/00 First Use In Commerce: 1986/06/00 BATTING HELMETS, REPLACEMENT WIRE GUARDS AND STRAPS FOR BATTING HELMETS, BAGS SPECIFICALLY DESIGNED FOR CARRYING SPORTS HELMETS</p> <p>Class 018. First use: First Use: 1997/03/00 First Use In Commerce: 1997/03/00 TRAVEL BAGS OF LEATHER AND IMITATIONS OF LEATHER, TOTE BAGS</p> <p>Class 028. First use: First Use: 1977/03/00 First Use In Commerce: 1977/03/00 SPORTING GOODS, NAMELY, BASEBALLS, SOFTBALLS, PITCHING MACHINE BALLS, CATCHER'S MASKS, FOREARM PROTECTIVE GUARDS FOR ATHLETIC USE, ANKLE PROTECTIVE GUARDS FOR ATHLETIC USE, WRIST PROTECTIVE GUARDS FOR ATHLETIC USE, HAND PROTECTIVE GUARDS FOR ATHLETIC USE, THROAT PROTECTIVE GUARDS FOR ATHLETIC USE, BATTING GLOVES, MITTS, FACE MASKS, REPLACEMENT FACE MASK PADS, BODY AND CHEST PROTECTIVE GUARDS FOR ATHLETIC USE, UMPIRE BODY AND CHEST PROTECTIVE GUARDS FOR ATHLETIC USE, LEG AND SHIN PROTECTIVE GUARDS FOR ATHLETIC USE, UMPIRE BALL-STRIKE INDICATORS, BASEBALL PLATE BRUSHES, BAGS USED SPECIFICALLY BY UMPIRES FOR CARRYING SPORTS BALLS, ATHLETIC EQUIPMENT BAGS AND TOTE BAGS SPECIFICALLY DESIGNED FOR CARRYING SPORTS EQUIPMENT, BUCKETS DESIGNED FOR CARRYING SPORTS BALLS, FOOTBALL SHOULDER PADS, FOOTBALL SHOULDER AND ARM BRACES, FOOTBALL THIGH GUARDS, FOOTBALL KNEE PADS, FOOTBALL ELBOW PADS, FOOTBALL KNEE BRACES, FOOTBALL HIP PADS, FOOTBALL BLOCKING PADS AND FOOTBALL SHIN GUARDS</p> <p>Class 035. First use: First Use: 1977/03/00 First Use In Commerce: 1977/03/00 WHOLESALE DISTRIBUTORSHIPS FEATURING SPORTING GOODS, SPORTS EQUIPMENT, SPORTS TRAINING EQUIPMENT, SPORTS PLAYING FIELD MARKERS, AND SPORTS PLAYING FIELD EQUIPMENT, ALL FOR USE IN THE SPORTS OF BASEBALL, SOFTBALL, WEIGHT LIFTING, FOOTBALL, SOCCER AND VOLLEYBALL</p>		

U.S. Registration No.	2904095	Application Date	03/06/2002
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Registration Date	11/23/2004	Foreign Priority Date	NONE
Word Mark	DIAMOND		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 1997/07/00 First Use In Commerce: 1997/07/00 BAGS SPECIFICALLY DESIGNED FOR CARRYING SPORTS HELMETS</p> <p>Class 018. First use: First Use: 1997/07/00 First Use In Commerce: 1997/07/00 TRAVEL BAGS OF LEATHER AND IMITATIONS OF LEATHER, AND TOTE BAGS</p> <p>Class 028. First use: First Use: 1990/07/00 First Use In Commerce: 1990/07/00 SPORTING GOODS, NAMELY, ATHLETIC EQUIPMENT BAGS AND TOTE BAGS SPECIFICALLY DESIGNED FOR CARRYING SPORTS EQUIPMENT</p>		

U.S. Registration No.	1977815	Application Date	11/21/1994
Registration Date	06/04/1996	Foreign Priority Date	NONE
Word Mark	DIAMOND		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 018. First use: First Use: 1992/07/00 First Use In Commerce: 1992/07/00 travel bags of leather and imitations of leather, tote bags</p> <p>Class 025. First use: First Use: 1991/07/00 First Use In Commerce: 1991/07/00 clothing, namely hats and T-shirts</p> <p>Class 028. First use: First Use: 1990/07/00 First Use In Commerce: 1990/07/00 sporting goods, namely baseballs, softballs, baseball gloves and mitts, baseball ball bags, baseball equipment bags, catcher's and umpire's leg guards, chest protectors, face masks, and throat guards</p>		

U.S. Registration No.	2855519	Application Date	03/06/2002
Registration Date	06/22/2004	Foreign Priority Date	NONE
Word Mark	DIAMOND		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 1991/07/00 First Use In Commerce: 1991/07/00 BATTING HELMETS, REPLACEMENT WIRE GUARDS AND STRAPS FOR BATTING HELMETS, BAGS SPECIFICALLY DESIGNED FOR CARRYING SPORTS HELMETS</p> <p>Class 018. First use: First Use: 1991/07/00 First Use In Commerce: 1991/07/00 TRAVEL BAGS OF LEATHER AND IMITATIONS OF LEATHER, TOTE BAGS</p> <p>Class 028. First use: First Use: 1990/07/00 First Use In Commerce: 1990/07/00 SPORTING GOODS, NAMELY, BASEBALLS, SOFTBALLS, PITCHING MACHINE BALLS, CATCHER'S MASKS, FOREARM PROTECTIVE GUARDS FOR ATHLETIC USE, ANKLE PROTECTIVE GUARDS FOR ATHLETIC USE,</p>		

	<p>WRIST PROTECTIVE GUARDS FOR ATHLETIC USE, HAND PROTECTIVE GUARDS FOR ATHLETIC USE, THROAT PROTECTIVE GUARDS FOR ATHLETIC USE, BATTING GLOVES, MITTS, FACE MASKS, REPLACEMENT FACE MASK PADS, BODY AND CHEST PROTECTIVE GUARDS FOR ATHLETIC USE, UMPIRE BODY AND CHEST PROTECTIVE GUARDS FOR ATHLETIC USE, LEG AND SHIN PROTECTIVE GUARDS FOR ATHLETIC USE, UMPIRE BALL-STRIKE INDICATORS, BASEBALL PLATE BRUSHES, BAGS USED SPECIFICALLY BY UMPIRES FOR CARRYING SPORTS BALLS, ATHLETIC EQUIPMENT BAGS AND TOTE BAGS SPECIFICALLY DESIGNED FOR CARRYING SPORTS EQUIPMENT, BUCKETS DESIGNED FOR CARRYING SPORTS BALLS, FOOTBALL SHOULDER PADS, FOOTBALL SHOULDER AND ARM BRACES, FOOTBALL THIGH GUARDS, FOOTBALL KNEE PADS, FOOTBALL ELBOW PADS, FOOTBALL KNEE BRACES, FOOTBALL HIP PADS, FOOTBALL BLOCKING PADS AND FOOTBALL SHIN GUARDS</p> <p>Class 035. First use: First Use: 1990/07/00 First Use In Commerce: 1990/07/00</p> <p>WHOLESALE DISTRIBUTORSHIPS FEATURING SPORTING GOODS, SPORTS EQUIPMENT, SPORTS TRAINING EQUIPMENT, SPORTS PLAYING FIELD MARKERS, AND SPORTS PLAYING FIELD EQUIPMENT, ALL FOR USE IN THE SPORTS OF BASEBALL, SOFTBALL, WEIGHT LIFTING, FOOTBALL, SOCCER AND VOLLEYBALL</p>
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Attachments	<p>76378658#TMSN.gif (1 page)(bytes)</p> <p>76378663#TMSN.gif (1 page)(bytes)</p> <p>74601770#TMSN.gif (1 page)(bytes)</p> <p>76378662#TMSN.gif (1 page)(bytes)</p> <p>DIASP77072 Notice of Oppostion.pdf (13 pages)(1082779 bytes)</p>
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Signature	/jkr/
Name	Jessie K. Reider
Date	10/11/2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Application Serial No. 78/964,779
Published in the Official Gazette on April 17, 2007

DIAMOND BASEBALL
COMPANY, INC.,
D/B/A DIAMOND
SPORTS CO., INC.,

Opposer

v.

EXTREME TECHNOLOGIES, INC.)
D/B/A BOWTECH

Applicant.

Opposition No. _____

NOTICE OF OPPOSITION

Diamond Baseball Company, Inc., d/b/a Diamond Sports Co., Inc.. (hereinafter "Opposer"), a corporation organized under the laws of California, located at and doing business at 11130 Warland Drive, Cypress California 90630, will be damaged by registration of the above identified trademark application (hereinafter "Application") in the name of Extreme Technologies, Inc., d/b/a BowTech (hereinafter "Applicant"), with a last known address of 90554 Highway 99, North Eugene, Oregon 97402, and hereby opposes the same.

The grounds for opposition are as follows:

COUNT ONE

1. For over three decades, Opposer has been manufacturing, selling and promoting goods and services under the DIAMOND mark, and variations thereof. Opposer has consistently used the DIAMOND marks in connection with myriad goods, including sporting

goods, clothing, travel bags and baseball and softball protective gear, as well as promoting distributorship services under the marks.

2. Since at least as early as 1977, Opposer has engaged in the development, manufacture, advertising, distribution and sale in interstate commerce of goods, including sporting goods, bearing the DIAMOND marks.

3. As a result of Opposer's widespread use and expenditure of resources to promote the goods and services offered under its DIAMOND marks, as well as Opposer's dedication to high quality goods and services, Opposer has acquired significant goodwill in and to the marks. Opposer's DIAMOND marks have come to represent the highest quality goods, as well as excellent service, and consumers have come to count on Opposer's DIAMOND marks to represent superior goods.

4. Opposer is the owner of several registrations on the U.S. register, including, but not limited to, the following:

a. Registration No. 1,961,637, for the word mark DIAMOND, issued on March 12, 1996, for use in connection with:

CLOTHING, NAMELY, HATS AND T-SHIRTS
in Class 025.

SPORTING GOODS, NAMELY, BASEBALLS,
SOFTBALLS, BASEBALL GLOVES AND
MITTS, BASEBALL BALL BAGS, BASEBALL
EQUIPMENT BAGS, CATCHER'S AND
UMPIRE'S LEG GUARDS, CHEST
PROTECTORS, FACE MASKS AND THROAT
GUARDS in Class 028.

b. Registration No. 2,902,651 for the word mark DIAMOND, issued on November 16, 2004, for use in connection with:

BATTING HELMETS, REPLACEMENT WIRE
GUARDS AND STRAPS FOR BATTING

HELMETS, BAGS SPECIFICALLY DESIGNED FOR CARRYING SPORTS HELMETS in Class 009.

TRAVEL BAGS OF LEATHER AND IMITATIONS OF LEATHER, TOTE BAGS in Class 018.

SPORTING GOODS, NAMELY, BASEBALLS, SOFTBALLS, PITCHING MACHINE BALLS, CATCHER'S MASKS, FOREARM PROTECTIVE GUARDS FOR ATHLETIC USE, ANKLE PROTECTIVE GUARDS FOR ATHLETIC USE, WRIST PROTECTIVE GUARDS FOR ATHLETIC USE, HAND PROTECTIVE GUARDS FOR ATHLETIC USE, THROAT PROTECTIVE GUARDS FOR ATHLETIC USE, BATTING GLOVES, MITTS, FACE MASKS, REPLACEMENT FACE MASK PADS, BODY AND CHEST PROTECTIVE GUARDS FOR ATHLETIC USE, UMPIRE BODY AND CHEST PROTECTIVE GUARDS FOR ATHLETIC USE, LEG AND SHIN PROTECTIVE GUARDS FOR ATHLETIC USE, UMPIRE BALL-STRIKE INDICATORS, BASEBALL PLATE BRUSHES, BAGS USED SPECIFICALLY BY UMPIRES FOR CARRYING SPORTS BALLS, ATHLETIC EQUIPMENT BAGS AND TOTE BAGS SPECIFICALLY DESIGNED FOR CARRYING SPORTS EQUIPMENT, BUCKETS DESIGNED FOR CARRYING SPORTS BALLS, FOOTBALL SHOULDER PADS, FOOTBALL SHOULDER AND ARM BRACES, FOOTBALL THIGH GUARDS, FOOTBALL KNEE PADS, FOOTBALL ELBOW PADS, FOOTBALL KNEE BRACES, FOOTBALL HIP PADS, FOOTBALL BLOCKING PADS AND FOOTBALL SHIN GUARDS in Class 028.

WHOLESALE DISTRIBUTORSHIPS FEATURING SPORTING GOODS, SPORTS EQUIPMENT, SPORTS TRAINING EQUIPMENT, SPORTS PLAYING FIELD MARKERS, AND SPORTS PLAYING FIELD EQUIPMENT, ALL FOR USE IN THE SPORTS OF BASEBALL, SOFTBALL, WEIGHT

LIFTING, FOOTBALL, SOCCER AND
VOLLEYBALL in Class 035.

c. Registration No. 2,904,095 for the DIAMOND and DESIGN mark, issued
on November 23, 2004, for use in connection with:

TRAVEL BAGS OF LEATHER AND
IMITATIONS OF LEATHER, AND TOTE BAGS
in Class 018.

SPORTING GOODS, NAMELY, ATHLETIC
EQUIPMENT BAGS AND TOTE BAGS
SPECIFICALLY DESIGNED FOR CARRYING
SPORTS EQUIPMENT in Class 028.

BAGS SPECIFICALLY DESIGNED FOR
CARRYING SPORTS HELMETS in Class 009.

d. Registration No. 2,855,519 for the DIAMOND and DESIGN mark, issued
on June 22, 2004, for use in connection with:

BATTING HELMETS, REPLACEMENT WIRE
GUARDS AND STRAPS FOR BATTING
HELMETS, BAGS SPECIFICALLY DESIGNED
FOR CARRYING SPORTS HELMETS in Class
009.

TRAVEL BAGS OF LEATHER AND
IMITATIONS OF LEATHER, TOTE BAGS in
Class 018.

SPORTING GOODS, NAMELY, BASEBALLS,
SOFTBALLS, PITCHING MACHINE BALLS,
CATCHER'S MASKS, FOREARM PROTECTIVE
GUARDS FOR ATHLETIC USE, ANKLE
PROTECTIVE GUARDS FOR ATHLETIC USE,
WRIST PROTECTIVE GUARDS FOR
ATHLETIC USE, HAND PROTECTIVE
GUARDS FOR ATHLETIC USE, THROAT
PROTECTIVE GUARDS FOR ATHLETIC USE,
BATTING GLOVES, MITTS, FACE MASKS,
REPLACEMENT FACE MASK PADS, BODY
AND CHEST PROTECTIVE GUARDS FOR
ATHLETIC USE, UMPIRE BODY AND CHEST
PROTECTIVE GUARDS FOR ATHLETIC USE,

LEG AND SHIN PROTECTIVE GUARDS FOR ATHLETIC USE, UMPIRE BALL-STRIKE INDICATORS, BASEBALL PLATE BRUSHES, BAGS USED SPECIFICALLY BY UMPIRES FOR CARRYING SPORTS BALLS, ATHLETIC EQUIPMENT BAGS AND TOTE BAGS SPECIFICALLY DESIGNED FOR CARRYING SPORTS EQUIPMENT, BUCKETS DESIGNED FOR CARRYING SPORTS BALLS, FOOTBALL SHOULDER PADS, FOOTBALL SHOULDER AND ARM BRACES, FOOTBALL THIGH GUARDS, FOOTBALL KNEE PADS, FOOTBALL ELBOW PADS, FOOTBALL KNEE BRACES, FOOTBALL HIP PADS, FOOTBALL BLOCKING PADS AND FOOTBALL SHIN GUARDS in Class 028.

WHOLESALE DISTRIBUTORSHIPS FEATURING SPORTING GOODS, SPORTS EQUIPMENT, SPORTS TRAINING EQUIPMENT, SPORTS PLAYING FIELD MARKERS, AND SPORTS PLAYING FIELD EQUIPMENT, ALL FOR USE IN THE SPORTS OF BASEBALL, SOFTBALL, WEIGHT LIFTING, FOOTBALL, SOCCER AND VOLLEYBALL in Class 035.

- e. Registration No. 1,977,815 for the DIAMOND and DESIGN mark, issued

on June 4, 1996, for use in connection with:

TRAVEL BAGS OF LEATHER AND IMITATIONS OF LEATHER, TOTE BAGS in Class 018.

CLOTHING, NAMELY HATS AND T-SHIRTS in Class 025.

SPORTING GOODS, NAMELY BASEBALLS, SOFTBALLS, BASEBALL GLOVES AND MITTS, BASEBALL BALL BAGS, BASEBALL EQUIPMENT BAGS, CATCHER'S AND UMPIRE'S LEG GUARDS, CHEST PROTECTORS, FACE MASKS, AND THROAT GUARDS in Class 028.

5. The registrations are in all respects valid and subsisting. Copies of the Certificate of Registration for each registration enumerated above are attached as Opposer's Exhibit A.

6. Registration No. 1,961,637 has enjoyed incontestable status since February 5, 2003.

7. Registration No. 1,977,815 has enjoyed incontestable status since July 20, 2002.

8. Applicant filed an application to register the word mark DIAMOND, for use in connection with ARCHERY BOWS in Class 028, on August 31, 2006. The application, Serial No. 78/964,779, alleges use of the mark as early as January 1997 (hereinafter "Application").

9. Applicant's DIAMOND mark so resembles Opposer's DIAMOND marks, used in the United States and in interstate commerce prior to the filing date of the Application, as to be likely to cause confusion, mistake, or deception.

10. Applicant's mark DIAMOND is identical to Opposer's DIAMOND word marks in sound, sight and overall commercial impression and confusingly similar to Opposer's DIAMOND and DESIGN marks in sound, sight and overall commercial impression.

11. Applicant's goods are similar to the goods sold in connection with Opposer's DIAMOND marks and such goods would be sold to the same channels of trade for sale to, and use by, the same class of consumers, and would be promoted through the same channels of trade.

12. Applicant's use of the DIAMOND mark in connection with its proposed goods is likely to cause confusion, mistake, or deception as to the source of the origin of Applicant's goods in that the public, the trade and others are likely to believe that Applicant's goods are the goods of Opposer or are in some way provided, sponsored, approved, licensed by or affiliated with or in some way legitimately connection to Opposer, all to Opposer's irreparable damage and injury.

COUNT TWO

13. Opposer repeats and realleges the allegations set forth in Paragraphs 1 through 12 as though set forth herein.

14. Opposer's DIAMOND marks are distinctive and famous and became famous long prior to the date Applicant filed the Application.

15. Use of the mark DIAMOND by Applicant causes dilution of the distinctive quality of Opposer's famous DIAMOND mark.

16. Opposer will be damaged by the registration sought by Applicant because such registration would support and assist Applicant in use of its DIAMOND mark and thereby dilute Opposer's rights in its distinctive and famous DIAMOND trademarks.

WHEREFORE, Opposer respectfully requests that this Opposition be sustained and Applicant's application to register the mark DIAMOND be denied in all respects.

Please recognize as attorneys for Opposer in this proceeding Gary M. Anderson and Jessie K. Reider, both of whom are members of the State Bar of California, and whose address is Fulwider Patton LLP, 200 Oceangate, Suite 1550, Long Beach, California 90802, and telephone number is 562-432-0453.

Respectfully submitted,
Diamond Baseball Company, Inc.

By: 

Gary M. Anderson, Esq.
Jessie K. Reider, Esq.
Fulwider Patton LLP
200 Oceangate, Suite 1550
Long Beach, California 90802
Attorneys for Opposer
Diamond Baseball Company, Inc.

Dated: October 11, 2007

EXHIBIT A

Int. Cls.: 18, 25 and 28

Prior U.S. Cls.: 1, 2, 3, 22, 23, 38, 39, 41 and 50

Reg. No. 1,961,637

United States Patent and Trademark Office

Registered Mar. 12, 1996

Corrected

OG Date June 3, 2003

**TRADEMARK
PRINCIPAL REGISTER**

DIAMOND

DIAMOND BASEBALL COMPANY, INC.
(CALIFORNIA CORPORATION), DBA
DIAMOND SPORTS CO., INC.,
P.O. BOX 830
LOS ALAMITOS, CA 90720

OWNER OF U.S. REG. NOS. 1,234,734
AND 1,521,089.

FOR: TRAVEL BAGS OF LEATHER
AND IMITATIONS OF LEATHER, TOTE
BAGS, IN CLASS 18 (U.S. CLS. 1, 2, 3, 22
AND 41).

FIRST USE 8-0-1981; IN COMMERCE
8-0-1981.

FOR: CLOTHING, NAMELY HATS
AND T-SHIRTS, IN CLASS 25 (U.S. CLS.
22 AND 39).

FIRST USE 6-0-1986; IN COMMERCE
6-0-1986.

FOR: SPORTING GOODS, NAMELY
BASEBALLS, SOFTBALLS, BASEBALL
GLOVES AND MITTS, BASEBALL BALL
BAGS, BASEBALL EQUIPMENT BAGS,
CATCHER'S AND UMPIRE'S LEG
GUARDS, CHEST PROTECTORS, FACE
MASKS, AND THROAT GUARDS, IN
CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 3-0-1977; IN COMMERCE
3-0-1977.
SER. NO. 74-601,772, FILED 11-21-1994.

*In testimony whereof I have hereunto set my hand
and caused the seal of The Patent and Trademark
Office to be affixed on June 3, 2003.*

DIRECTOR OF THE U.S. PATENT AND TRADEMARK OFFICE

Int. Cls.: 9, 18, 28 and 35

Prior U.S. Cls.: 1, 2, 3, 21, 22, 23, 26, 36, 38, 41, 50, 100, 101 and 102

Reg. No. 2,902,651

United States Patent and Trademark Office

Registered Nov. 16, 2004

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**

DIAMOND

DIAMOND BASEBALL COMPANY, INC. (CALIFORNIA CORPORATION)
11130 WARLAND DRIVE
CYPRESS, CA 90603

FOR: BATTING HELMETS, REPLACEMENT WIRE GUARDS AND STRAPS FOR BATTING HELMETS, BAGS SPECIFICALLY DESIGNED FOR CARRYING SPORTS HELMETS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 6-0-1986; IN COMMERCE 6-0-1986.

FOR: TRAVEL BAGS OF LEATHER AND IMITATIONS OF LEATHER, TOTE BAGS, IN CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

FIRST USE 3-0-1997; IN COMMERCE 3-0-1997.

FOR: SPORTING GOODS, NAMELY, BASEBALLS, SOFTBALLS, PITCHING MACHINE BALLS, CATCHER'S MASKS, FOREARM PROTECTIVE GUARDS FOR ATHLETIC USE, ANKLE PROTECTIVE GUARDS FOR ATHLETIC USE, WRIST PROTECTIVE GUARDS FOR ATHLETIC USE, HAND PROTECTIVE GUARDS FOR ATHLETIC USE, THROAT PROTECTIVE GUARDS FOR ATHLETIC USE, BATTING GLOVES, MITTS, FACE MASKS, REPLACEMENT FACE MASK PADS, BODY AND CHEST PROTECTIVE GUARDS FOR ATHLETIC USE, UMPIRE BODY AND CHEST PROTECTIVE GUARDS FOR ATHLETIC USE, LEG AND SHIN PROTECTIVE GUARDS FOR ATHLETIC USE, UMPIRE BALL-STRIKE INDICATORS, BASEBALL

PLATE BRUSHES, BAGS USED SPECIFICALLY BY UMPIRES FOR CARRYING SPORTS BALLS, ATHLETIC EQUIPMENT BAGS AND TOTE BAGS SPECIFICALLY DESIGNED FOR CARRYING SPORTS EQUIPMENT, BUCKETS DESIGNED FOR CARRYING SPORTS BALLS, FOOTBALL SHOULDER PADS, FOOTBALL SHOULDER AND ARM BRACES, FOOTBALL THIGH GUARDS, FOOTBALL KNEE PADS, FOOTBALL ELBOW PADS, FOOTBALL KNEE BRACES, FOOTBALL HIP PADS, FOOTBALL BLOCKING PADS AND FOOTBALL SHIN GUARDS, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 3-0-1977; IN COMMERCE 3-0-1977.

FOR: WHOLESALE DISTRIBUTORSHIPS FEATURING SPORTING GOODS, SPORTS EQUIPMENT, SPORTS TRAINING EQUIPMENT, SPORTS PLAYING FIELD MARKERS, AND SPORTS PLAYING FIELD EQUIPMENT, ALL FOR USE IN THE SPORTS OF BASEBALL, SOFTBALL, WEIGHT LIFTING, FOOTBALL, SOCCER AND VOLLEYBALL, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 3-0-1977; IN COMMERCE 3-0-1977.

OWNER OF U.S. REG. NOS. 1,234,734, 2,045,819 AND OTHERS.

SER. NO. 76-378,658, FILED 3-6-2002.

GENE MACIOL, EXAMINING ATTORNEY

Int. Cls.: 9, 18 and 28

Prior U.S. Cls.: 1, 2, 3, 21, 22, 23, 26, 36, 38, 41 and 50

United States Patent and Trademark Office

Reg. No. 2,904,095

Registered Nov. 23, 2004

**TRADEMARK
PRINCIPAL REGISTER**



DIAMOND BASEBALL COMPANY, INC. (CALI-
FORNIA CORPORATION)
11130 WARLAND DRIVE
CYPRESS, CA 90603

FOR: BAGS SPECIFICALLY DESIGNED FOR
CARRYING SPORTS HELMETS, IN CLASS 9 (U.S.
CLS. 21, 23, 26, 36 AND 38).

FIRST USE 7-0-1997; IN COMMERCE 7-0-1997.

FOR: TRAVEL BAGS OF LEATHER AND IMITA-
TIONS OF LEATHER, AND TOTE BAGS, IN CLASS
18 (U.S. CLS. 1, 2, 3, 22 AND 41).

FIRST USE 7-0-1997; IN COMMERCE 7-0-1997.

FOR: SPORTING GOODS, NAMELY, ATHLETIC
EQUIPMENT BAGS AND TOTE BAGS SPECIFICALLY
DESIGNED FOR CARRYING SPORTS EQUIP-
MENT, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 7-0-1990; IN COMMERCE 7-0-1990.

OWNER OF U.S. REG. NOS. 1,234,734, 2,045,819
AND OTHERS.

SER. NO. 76-378,663, FILED 3-6-2002.

GENE MACIOL, EXAMINING ATTORNEY

Int. Cls.: 18, 25 and 28

Prior U.S. Cls.: 1, 2, 3, 22, 23, 38, 39, 41 and 50

Reg. No. 1,977,815

United States Patent and Trademark Office

Registered June 4, 1996

Corrected

OG Date June 6, 2006

TRADEMARK
PRINCIPAL REGISTER

Diamond

DIAMOND BASEBALL COMPANY, INC.
(CALIFORNIA CORPORATION), DBA
DIAMOND SPORTS CO., INC.,
11130 WARLAND DRIVE
CYPRESS, CA 90630

OWNER OF U.S. REG. NOS. 1,234,734
AND 1,521,089.

FOR: TRAVEL BAGS OF LEATHER
AND IMITATIONS OF LEATHER, TOTE
BAGS, IN CLASS 18 (U.S. CLS. 1, 2, 3, 22
AND 41).

FIRST USE 7-0-1992; IN COMMERCE
7-0-1992.

FOR: CLOTHING, NAMELY HATS
AND T-SHIRTS, IN CLASS 25 (U.S. CLS.
22 AND 39).

FIRST USE 7-0-1991; IN COMMERCE
7-0-1991.

FOR: SPORTING GOODS, NAMELY
BASEBALLS, SOFTBALLS, BASEBALL
GLOVES AND MITTS, BASEBALL BALL
BAGS, BASEBALL EQUIPMENT BAGS,
CATCHER'S AND UMPIRE'S LEG
GUARDS, CHEST PROTECTORS, FACE
MASKS, AND THROAT GUARDS, IN
CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 7-0-1990; IN COMMERCE
7-0-1990.
SER. NO. 74-601,770, FILED 11-21-1994.

*In testimony whereof I have hereunto set my hand
and caused the seal of The Patent and Trademark
Office to be affixed on June 6, 2006.*

DIRECTOR OF THE U.S. PATENT AND TRADEMARK OFFICE

Int. Cls.: 9, 18, 28 and 35

Prior U.S. Cls.: 1, 2, 3, 21, 22, 23, 26, 36, 38, 41, 50,
100, 101 and 102

Reg. No. 2,855,519

United States Patent and Trademark Office

Registered June 22, 2004

TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER



DIAMOND BASEBALL COMPANY, INC. (CALI-
FORNIA CORPORATION)
11130 WARLAND DRIVE
CYPRESS, CA 90603

FOR: BATTING HELMETS, REPLACEMENT
WIRE GUARDS AND STRAPS FOR BATTING HEL-
METS, BAGS SPECIFICALLY DESIGNED FOR CAR-
RYING SPORTS HELMETS, IN CLASS 9 (U.S. CLS.
21, 23, 26, 36 AND 38).

FIRST USE 7-0-1991; IN COMMERCE 7-0-1991.

FOR: TRAVEL BAGS OF LEATHER AND IMITA-
TIONS OF LEATHER, TOTE BAGS, IN CLASS 18
(U.S. CLS. 1, 2, 3, 22 AND 41).

FIRST USE 7-0-1991; IN COMMERCE 7-0-1991.

FOR: SPORTING GOODS, NAMELY, BASE-
BALLS, SOFTBALLS, PITCHING MACHINE BALLS,
CATCHER'S MASKS, FOREARM PROTECTIVE
GUARDS FOR ATHLETIC USE, ANKLE PROTEC-
TIVE GUARDS FOR ATHLETIC USE, WRIST PRO-
TECTIVE GUARDS FOR ATHLETIC USE, HAND
PROTECTIVE GUARDS FOR ATHLETIC USE,
THROAT PROTECTIVE GUARDS FOR ATHLETIC
USE, BATTING GLOVES, MITTS, FACE MASKS,
REPLACEMENT FACE MASK PADS, BODY AND
CHEST PROTECTIVE GUARDS FOR ATHLETIC
USE, UMPIRE BODY AND CHEST PROTECTIVE
GUARDS FOR ATHLETIC USE, LEG AND SHIN
PROTECTIVE GUARDS FOR ATHLETIC USE, UM-
PIRE BALL-STRIKE INDICATORS, BASEBALL

PLATE BRUSHES, BAGS USED SPECIFICALLY BY
UMPIRES FOR CARRYING SPORTS BALLS, ATH-
LETIC EQUIPMENT BAGS AND TOTE BAGS SPE-
CIFICALLY DESIGNED FOR CARRYING SPORTS
EQUIPMENT, BUCKETS DESIGNED FOR CARRY-
ING SPORTS BALLS, FOOTBALL SHOULDER
PADS, FOOTBALL SHOULDER AND ARM BRA-
CES, FOOTBALL THIGH GUARDS, FOOTBALL
KNEE PADS, FOOTBALL ELBOW PADS, FOOT-
BALL KNEE BRACES, FOOTBALL HIP PADS,
FOOTBALL BLOCKING PADS AND FOOTBALL
SHIN GUARDS, IN CLASS 28 (U.S. CLS. 22, 23, 38
AND 50).

FIRST USE 7-0-1990; IN COMMERCE 7-0-1990.

FOR: WHOLESALE DISTRIBUTORSHIPS FEAT-
URING SPORTING GOODS, SPORTS EQUIP-
MENT, SPORTS TRAINING EQUIPMENT, SPORTS
PLAYING FIELD MARKERS, AND SPORTS PLAY-
ING FIELD EQUIPMENT, ALL FOR USE IN THE
SPORTS OF BASEBALL, SOFTBALL, WEIGHT LIFT-
ING, FOOTBALL, SOCCER AND VOLLEYBALL, IN
CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 7-0-1990; IN COMMERCE 7-0-1990.

OWNER OF U.S. REG. NOS. 1,234,734, 2,045,819
AND OTHERS.

SER. NO. 76-378,662, FILED 3-6-2002.

GENE MACIOL, EXAMINING ATTORNEY